

REMARKS

This communication is in response to the Office Action mailed on November 2, 2006. In the Office Action, claims 1-30 were pending. All pending claims were rejected. In view of the following, reconsideration and allowance of the pending application are requested.

The Office Action first reports that claims 21-30 were rejected under 35 U.S.C. § 101 because the claimed invention was directed to non-statutory subject matter. The United States Patent and Trademark Office issued Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility (the Guidelines) in the Official Gazette Notice of November 22, 2005. In the Guidelines, it is stated that:

"To satisfy §101 requirements, the claim must be practical application of the §101 judicial exception, which can be identified in various ways:

- The claimed invention "transforms" an article or physical object to a different state or a thing.
- The claimed invention otherwise produces a useful, concrete and tangible result, based on the factors discussed below." (The Guidelines § IV, C, 2).

The definition of a useful, concrete and tangible result is found in the guidelines. For a result to be "useful" it must satisfy the utility requirement of §101. The United States Patent and Trademark Office's official interpretation of the utility requirement provides that the utility of an invention has to be (i) specific, (ii) substantial, and (iii) credible. (The Guidelines § IV, C, 2, b (1)). A result is "concrete" if it can be assured. "In other words, the process must have a result that can be substantially repeatable or the process must substantially produce the same results again." (The Guidelines § IV, C, 2, b, (3)). A result is "tangible" if it produces "a real world result." (Interim Guidelines § IV, C, 2, b (2)).

An example of a useful, concrete and tangible result is found in *State Street Bank and Trust Company v. Signature Financial Group Inc.*, 149 F.3d 1368, 47 USPQ 2d 1596 (Fed. Cir. 1998), the case which first set this standard. In *State Steet*, it was stated that "[t]he transformation of data, representing discrete dollar amounts, by a machine through a series of

mathematical calculations into a final share price, constitutes a practical application of a mathematical algorithm, formula or calculation because it produces a useful, concrete and tangible result - a final share price momentarily fixed for recording and reporting purposes and even accepted and relied upon by regulatory authorities and in subsequent trades." Thus, the court did not care that a mathematical algorithm was used, only that the end result, the share price, was a useful, concrete and tangible result.

Claim 21 has been amended to recite "a summarization module adapted to generate...to selectively render the at least one keyword, summary, blocks and sub-blocks of text..." Thus, it is submitted that claim 21 recites a data structure that produces a useful, concrete and tangible result, namely selectively rendering at least one keyword, a summary and blocks and sub-blocks of text. As a result, claims 21-30 are believed to meet the statutory requirement of 35 U.S.C. § 101. Withdrawal of this rejection is thus requested.

On page 3, claims 1-2, 5-7, 11-12, 15-17, 21-22, and 25-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Buyukkokten et al. ("Seeing the Whole in Parts: Text Summarization for Web Browsing on Handheld Devices", WWW10, May 2-5, 2001, Hong Kong, hereinafter "Buyukkokten") in view of Malone et al. (U.S. Publication No. 2002/0038348, hereinafter "Malone"). Of these, claims 1, 11, and 21 are independent form.

Buyukkokten discloses a method of summarizing text for web browsing on handheld devices. The method of Buyukkokten is utilized after a user has searched the web and selects a particular page to explore in detail (see section 1, para. 3). After a user selects a particular web page to view, the web page is divided into "Semantic Textual Units" (STUs). The STUs are page fragments such as paragraphs, lists, or ALT that describe images. A keyword and summary are identified for STUs within the selected web page. Buyukkokten is limited to web page documents and does not teach or suggest finding a keyword and summary for an entire document or segmenting a document based on a file type. Instead, the method of Buyukkokten is utilized after a particular web page has been selected for viewing and only operates to fragment the selected web page.

Malone discloses a network for accessing distributed cites. In particular, the cited sections of Malone (sections 49, 50, 52, and 56) disclose site servers having file system assessors that parse data to extract metadata to be stored in a common format. Malone further discloses a parser manager that can recognize file format and access file specific parsers. The parsers extract the metadata which can be "so simple as to represent a file name or size or so complex as to represent file author or database schema information." Thus, Malone does not teach or suggest identifying segmentation points in the document as a function of the file type. Further, Malone does not teach or suggest segmenting a document into blocks of texts as a function of the segmentation points.

Independent claim 1, as amended, recites "identifying segmenting points in the document as a function of the file type", and "segmenting the document into blocks of text as a function of the segmentation points". As mentioned above, Malone does not teach or suggest identifying segmentation points in a document as a function of file type or segmenting a document into blocks of text as a function of the segmentation points. Instead, Malone describes a parse manager adapted to extract metadata from documents for subsequent searches. Malone makes no mention of segmenting a document into blocks of text or identifying segmentation points contained therein.

For at least the above reasons, Applicants respectfully submit that Buyukkokten and Malone, either separately or in combination, do not teach or suggest every element of claim 1. It is submitted that claim 1 is in allowable form. Further, Applicants submit that dependent claims 2, and 5-7 are also in allowable form at least based on their relation to claim 1.

Independent claim 11, as amended, recites "identifying segmentation points in each of the plurality of documents as a function of the file type", "determining at least one keyword and a summary for each of the plurality of documents indicative of multiple blocks of text in the plurality of documents", and "rednering a list including the plurality of documents and at least one keyword and summary associated with each of the plurality of documents." As discussed above, Malone does not teach or suggest generating keywords and summaries, identifying segmentation points as a function of file type or segmenting documents into blocks of

text. Additionally, Buyukkokten discloses fragmenting a web page into STUs. Buyukkokten does not teach or suggest handling a plurality of documents or determining a keyword and a summary for each of a plurality of documents that is indicative of multiple blocks of text. Further, it is also submitted that neither Malone nor Buyukkokten teach or suggest “rendering a list including the plurality of documents and at least one keyword and summary associated with each of the plurality of documents.” For at least these reasons, it is respectfully submitted that Buyukkokten and Malone do not teach or suggest, either separately or in combination, all features of claim 11. It is submitted that claim 11 is in allowable form. Further, it is submitted that dependent claims 12 and 15-17 are also in allowable form at least based on their relation to claim 11.

Independent claim 21, as amended, recites “a document outline parsing module adapted to determine a file type of each of the plurality of documents and identify segmentation points as a function of the file type”. The document outline parsing module is also adapted to, “establish potential segmentation points in the blocks of text as a function of the text, segment the blocks of text into sub-blocks of text if adjacent paragraphs surrounding the segmentation points are dissimilar and form a tree structure indicative of the blocks and sub-blocks”. Claim 21 further recites “a summarization module adapted to generate at least one keyword in a summary for each block and sub-block in the plurality of documents based on the tree structure...” Claims 25 and 27-29 have been cancelled due to these amendments.

As discussed above, Malone does not teach or suggest identifying segmentation points as a function of file type or segmenting documents into blocks of text as a function of file type. Furthermore, neither Malone or Buyukkokten discuss generating keywords and/or summaries for blocks and sub-blocks of text. Instead, Buyukkokten generates keywords and summaries for fragmented portions of text within a single selected document. Thus, the STUs are not for blocks and sub-blocks. Applicants submit that Buyukkokten and Malone, either separately or in combination, do not teach or suggest all features of claim 21. It is submitted that claim 21 is in allowable form. Further, it is submitted that dependent claims 22 and 25-27 are also in allowable form at least based on their relation to claim 21.

On page 6, claims 3-4, 8-9, 13-14, 18-19, 23-24, and 28-29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Buyukkokten in view of Malone, and further in view of Chen et al. ("Detecting Web Page Structure for Adaptive Viewing on Small Form Factor Devices, WWW2003, May 20-24, 2003, Dubapest Hungary). It is respectfully submitted that dependent claims 3-4, 8-9, 13-14, 18-19, 23-24, and 28-29 are also allowable at least based on their relation to an allowable base claim.

On page 8, claims 10, 20, and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Buyukkokten in view of Malone, and further in view of Emens et al. (US Patent No. 6,493,744). It is submitted that claims 10, 20, and 30 are in allowable form at least based on their relation to independent claims 1, 11, and 21, respectively.

In view of the forgoing, it is submitted that all pending claims, namely claims 1-30, are in condition for allowance. Reconsideration and allowance are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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